

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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KYNESHA STATEN,

Plaintiff,

v.

Case No. 07-CV-664

TRIAD,

Defendant.

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**ORDER**

On July 19, 2007, plaintiff Kynesha Staten ("Staten") filed a complaint against defendant Triad ("Triad") alleging racial discrimination in employment. Since filing her action, Staten has failed to advance her case in any meaningful way. Triad has two motions pending before this court to which Staten has not responded. Triad filed a motion to compel discovery on March 19, 2008, and a motion to dismiss, or alternatively, to compel Staten's deposition, on August 4, 2008. The court subsequently issued an order directing Staten to provide a reason for her failure to respond. Staten contacted the court by letter in response to this order.

On October 31, 2008, the court held a status conference on the matter. At the status conference, the court advised Staten that she must respond to discovery requests and make herself available for deposition by December 15, 2008. The court further noted that failure to do so would result in dismissal of the case without further notice.

Staten failed to comply with the court's instructions. Despite Staten's agreement on a date for her deposition and service of notice, Staten failed to either appear for her deposition or contact Triad's counsel about her absence. Staten also failed to respond to any of Triad's outstanding discovery requests. Therefore, the court will dismiss this action with prejudice for want of prosecution.

Accordingly,


**IT IS ORDERED** that Staten's action be and the same is hereby **DISMISSED with prejudice** for failure to prosecute; and

**IT IS FURTHER ORDERED** that Triad's motion to compel discovery (Docket #22) and motion to dismiss, or alternatively, to compel (Docket #40) be and the same are hereby **DENIED** as moot.

The clerk of court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 22nd day of December, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge